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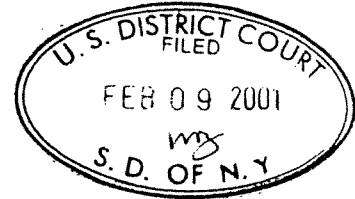
United States Attorney
Southern District of New York

100 Church Street
New York, New York 10007

March 19, 1996

BY HAND

Honorable Kevin T. Duffy
United States District Judge
Southern District of New York
United States Courthouse -- Room 1205
Foley Square
New York, New York 10007



United States v. Harvey Weinig, et al.
S1 94 Cr. 981 (KTD)

Your Honor:

The sentencing for defendant Harvey Weinig has been scheduled for Friday, March 22, 1996, at 9:30 a.m. In connection with the upcoming sentence, enclosed is a copy of a consensually tape-recorded conversation, numbered "J-15," between Harvey Weinig and Robert Hirsch and an accompanying transcript. This conversation was referred to in the Government's Memorandum In Response To Defendants' Pretrial Motions in the above-captioned case dated June 15, 1995, and accompanying Government Exhibits.

Respectfully submitted,

MARY JO WHITE
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By:


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cc: John R. Wing
(By Fax and Overnight Mail)



TAPE NUMBER: J-15
DATE: November 15, 1994
TIME:
PARTICIPANTS: ROBERT HIRSCH
HARVEY WEINIG
LINDA WEBER
ABBREVIATIONS: UNINTELLIGIBLE (UI)
INAUDIBLE (IA)

LINDA WEBER (UI).
ROBERT HIRSCH Linda, where's Harv?
LINDA WEBER (UI).
HARVEY WEINIG Robert.
ROBERT HIRSCH Yah. Can I ask you a few things?
HARVEY WEINIG Yah. (UI) get my messages.
ROBERT HIRSCH What? Come on let's sit in this room. (UI).
HARVEY WEINIG Huh?
ROBERT HIRSCH Well, I, I, I don't know where thing's are at.
HARVEY WEINIG Well let me tell you.
ROBERT HIRSCH Well, where does that leave us? Nobody owes anybody anything?
HARVEY WEINIG No. (UI).
ROBERT HIRSCH Do I look nervous?
HARVEY WEINIG No. Menashe owes ...
ROBERT HIRSCH Three hundred thousand?
HARVEY WEINIG Yeah.
ROBERT HIRSCH Harvey, let me explain something to you.
HARVEY WEINIG Two hundred and ...
ROBERT HIRSCH Hold on. Stop right there. You should understand that, that, that when Menashe was

in my office, he explained to me his debt to Dick had been liquidated.

HARVEY WEINIG I don't necessarily believe Menashe.

ROBERT HIRSCH I don't necessarily believe either of them.

HARVEY WEINIG Right.

ROBERT HIRSCH But whatever business they have, we're not going to know about it and I don't care about it.

HARVEY WEINIG Right. Exactly. (UI).

ROBERT HIRSCH It Dick is not ...

HARVEY WEINIG It's over.

ROBERT HIRSCH You're sure of it.

HARVEY WEINIG It's over.

ROBERT HIRSCH Well ...

HARVEY WEINIG See, he's interested in seizure cases, and you know what, so am I.

ROBERT HIRSCH Yah, but.

HARVEY WEINIG Money. No one's looking for it.

ROBERT HIRSCH Yeah, but listen, you can't walk into a law firm and say I have four million dollars worth of seizure cases (UI), it's not like that.

HARVEY WEINIG Listen to me. I'm not clear that there's any special in future work.

ROBERT HIRSCH There isn't.

HARVEY WEINIG But if there is, should there be, he's a big scumbag.

ROBERT HIRSCH True.

HARVEY WEINIG Who abused (UI)

ROBERT HIRSCH True.

HARVEY WEINIG So let's just play it through. What I do what I do ...

ROBERT HIRSCH Let me ask you this then question ... if Dick is in charge of the seizure cases.

HARVEY WEINIG Are we all going to see the money? No.

ROBERT HIRSCH Perfect. So we write it off, that's done.

HARVEY WEINIG Maybe. But, on the other hand, do we want to control ...

ROBERT HIRSCH No.

HARVEY WEINIG ... those cases?

ROBERT HIRSCH No.

HARVEY WEINIG (UI) that we wanna ...

ROBERT HIRSCH I would like to, I would like to be able to answer and represent to Juliana, if it should it ever come up (UI) I can find out who's handling those cases but I don't really know.

HARVEY WEINIG Is that right? And you do ...

ROBERT HIRSCH I'd like to be able to say that.

HARVEY WEINIG And we do want to find out. And, and, and, I'll tell you something else. In my heart of heart's ...

ROBERT HIRSCH Um hum.

HARVEY WEINIG I think there must be a scumbag who wants those seizure cases.

ROBERT HIRSCH How are you going to control that person? (UI). Anyone walking through the door, if you're telling a story, right, just do the math here. I have four million dollars seized between Puerto Rico and Houston. The person will say: "Really?" What's that person gonna want to prosecute the case?

HARVEY WEINIG I'd stick to the hour.

ROBERT HIRSCH Right. Then, whatever is recovered whether by settlement or some other mechanism, if anything, Dick will pay. What (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH That's my opinion.

HARVEY WEINIG (UI). Because, you understand, Dick's smart. He knows (UI).

ROBERT HIRSCH Dick can find out.

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG He wants (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI). It sounds like (UI).

HARVEY WEINIG (UI). I don't think he wants, he wants a separate (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI). He perceives there might be more money to be made moving forward than looking backward, and he is, is in my view right. (UI).

ROBERT HIRSCH Who's he?

HARVEY WEINIG (UI).

ROBERT HIRSCH Okay.

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI). Today ... he might be getting his money from this guy Clooney (UI).

ROBERT HIRSCH Who's Clooney?

HARVEY WEINIG Clooney's the guy at Biltmore Mortgage that.

ROBERT HIRSCH Oh.

HARVEY WEINIG He's the president.

ROBERT HIRSCH He's supposed to get his money back, you mean?

HARVEY WEINIG (UI). You know what Dicky did?

ROBERT HIRSCH What?

HARVEY WEINIG Seized him.

ROBERT HIRSCH He seized a person? What? Come again?

HARVEY WEINIG He seized a person.

ROBERT HIRSCH He went and he picked up this person?

HARVEY WEINIG Well, not personally.

ROBERT HIRSCH He sent somebody. Did he hurt the person?

HARVEY WEINIG No. He's in protective custody.

ROBERT HIRSCH He learned it from the Colombians.

HARVEY WEINIG Yeah.

ROBERT HIRSCH He learned it from them?

HARVEY WEINIG Yeah.

ROBERT HIRSCH Heh, heh.

HARVEY WEINIG And he'll be released as soon as his family produces money and ... (UI)

ROBERT HIRSCH Wait a minute. Hold it, hold it. Dick Spence is holding someone hostage and you're sitting here?

HARVEY WEINIG You know what that's.

ROBERT HIRSCH That person's gonna call the police. Who needs that?

HARVEY WEINIG I mean (UI).

ROBERT HIRSCH Look, look.

HARVEY WEINIG (UI).

ROBERT HIRSCH He's holding a person and you really don't see any problem with that?

HARVEY WEINIG (UI) be arrested for this, for that, there'll jail, there'll be bail.

ROBERT HIRSCH He's gonna have another criminal problem with this, now.

HARVEY WEINIG (UI).

ROBERT HIRSCH Well that's (UI). If someone held you hostage, because (UI) would you call the Police and say.

HARVEY WEINIG Well, he's not in a position to call the Police at this point (UI), right?

ROBERT HIRSCH Right.

HARVEY WEINIG And when he's let go, will he want to call the Police and say "I was held hostage"?

ROBERT HIRSCH I don't know, I would think so.

HARVEY WEINIG Huh?

ROBERT HIRSCH Wouldn't you? Correct me if I'm wrong, this is generally not the way things get done.

HARVEY WEINIG (UI). He's also involved with a guy (UI) named Lou Alimena (UI) doesn't fucking matter to me (UI).

ROBERT HIRSCH (UI) he doesn't have anything bad against us. (UI).

HARVEY WEINIG (UI). Robert, what are you talking about, what's the difference.

ROBERT HIRSCH (UI).

HARVEY WEINIG He didn't, he didn't go through a close analysis on the numbers.

ROBERT HIRSCH No. I presume you gave it to him already though.

HARVEY WEINIG Yeah, yes.

ROBERT HIRSCH (UI).

HARVEY WEINIG I gave him the Colombian (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG Which was what we gave back. I told him you didn't (UI).

ROBERT HIRSCH (UI). This I don't understand (UI).

HARVEY WEINIG Here's his thing.

ROBERT HIRSCH (UI).

HARVEY WEINIG His thing is,

ROBERT HIRSCH (UI).

HARVEY WEINIG It's too symmetrical. I gave half a million (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI) six hundred and thirty thousand (UI) right here (UI).

HARVEY WEINIG Basically everything (UI). That's really the first point. The second point is.

ROBERT HIRSCH It can't be done?

HARVEY WEINIG It can't be done. That's number two. (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG You just don't, (UI) go into the bank and give your driver's license, you don't go into the bank.

ROBERT HIRSCH No, you don't do that when you're bringing in a million dollars.

HARVEY WEINIG (UI).

ROBERT HIRSCH Cause they'll ask you (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Well, let me suggest to you. How do you think Dick feels? (UI).

HARVEY WEINIG Absolutely (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI). The one point two was stolen.

ROBERT HIRSCH Fine, (UI) we can't tell him that.

HARVEY WEINIG No. (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG But, the reality is he knows now (UI). He also, oh, you know what else he picked up on? he picked up on (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Yeah.

HARVEY WEINIG Has a difference (UI) for it, you know like one's ...

ROBERT HIRSCH All of them.

HARVEY WEINIG For (UI), one's for Rivera, one is for so and so.

ROBERT HIRSCH Every one.

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG Every account ...

ROBERT HIRSCH Is the same one.

HARVEY WEINIG Is the same one.

ROBERT HIRSCH I saw that.

HARVEY WEINIG (UI). If they were going to segregate it, they would segregate it into sub-accounts like (UI).

ROBERT HIRSCH Listen. They ..

HARVEY WEINIG You don't know ...

ROBERT HIRSCH (UI).

HARVEY WEINIG You don't know how the bank in Colombia works.

ROBERT HIRSCH No, I think I do know, and it goes something like this. You look, you know we made all the bank, all the transfers to, for, for Fred, we made to Banco del Colombia or Banco del Estado or whatever it was, right? The account number, you (UI) tell me that over the phone, remember what we were talking about over the phone, (UI). The beneficiary ...

HARVEY WEINIG Was different.

ROBERT HIRSCH Is different in every case.

HARVEY WEINIG But you see ...

ROBERT HIRSCH Whether, whether ...

HARVEY WEINIG (UI).

ROBERT HIRSCH Whether, whether ...

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH You understand?

HARVEY WEINIG (UI) sub-accounts. I, I, I think, I think he's right, I think there are sub-accounts, here's my cut. My cut is that in fact, these sub-accounts by name, not numbers, but the same primary account and ...

ROBERT HIRSCH And they're not numbered.

HARVEY WEINIG Yeah. They're ...

ROBERT HIRSCH Right, right.

HARVEY WEINIG It's, it's just, it's just, you know, (UI) Citibank ...

ROBERT HIRSCH Yeah.

HARVEY WEINIG Or Chemical bank. What they'll do is they'll have a main account and (UI) account and then

you just put, put (UI) in the account, (UI) sub-account ...

ROBERT HIRSCH And that's got a number.

HARVEY WEINIG (UI) and give a number. But here, they just give it a name. So what? So they got, you know, a couple (UI) less, less (UI), you know?

ROBERT HIRSCH (UI). Let's say a million dollars goes in tomorrow, let's say, uh. Let's say that these people need to do a million dollars worth of business tomorrow.

HARVEY WEINIG Yeah.

ROBERT HIRSCH And we have a mechanism to, to make that, let it, not make it happen, to let it happen.

HARVEY WEINIG Well we do.

ROBERT HIRSCH You gonna tell him?

HARVEY WEINIG (UI).

ROBERT HIRSCH Okay, good.

HARVEY WEINIG But, you want to know something, all of the things that you said rang true, and you know, and you know it ...

ROBERT HIRSCH Tell me, I forgot what it was.

HARVEY WEINIG (UI). What Fred is telling you, or Julianna, or, or Fred, is telling you basically, is that this is (UI) and we'll make it up after. You haven't really said that to me.

ROBERT HIRSCH Well, I don't thing it's exactly that.

HARVEY WEINIG Look, there are two things that I'm going to point out to you.

ROBERT HIRSCH They're in the midst of ...

HARVEY WEINIG Yeah, they're in, yeah, there, something big is going on.

ROBERT HIRSCH Right.

HARVEY WEINIG And we don't know what it is. But we do know Fred's in trouble.

ROBERT HIRSCH Yeah.

HARVEY WEINIG And we also know that he hasn't had business.

ROBERT HIRSCH That, that's true. There's a third, don't you think?

HARVEY WEINIG Which one is that?

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Yeah, yeah, he's got records, Harv. Why can't we see them?

HARVEY WEINIG Don't. He claims that (UI).

ROBERT HIRSCH Have you ever seen anything?

HARVEY WEINIG No.

ROBERT HIRSCH I have not either. Harvey, has Dick? If someone where to ask you to reconstruct what happened, or me, we couldn't begin to do that.

HARVEY WEINIG We can do it day by day and then (UI). You know, don't under, underestimate Dicky Spence.

ROBERT HIRSCH I don't.

HARVEY WEINIG You do.

ROBERT HIRSCH I underestimate him?

HARVEY WEINIG (UI).

ROBERT HIRSCH This much is clear: he's had a lot less trouble since September than I've had.

HARVEY WEINIG There's a story about a guy who's driving in his car and his tire goes flat. And so, he gets out and jacks up the car, do you know this story?

ROBERT HIRSCH No.

HARVEY WEINIG

And, uh, takes off the four lug nuts, puts them in the hubcap and a car comes speeding down the highway and hits the, the, a, hubcap and the lug nuts go flying into the air and kill him. It happens to be opposite a mental institution, and one of those crazy people has been watching (UI) and, um, the crazy person says to them (UI).

ROBERT HIRSCH

(UI).

HARVEY WEINIG

(UI).

ROBERT HIRSCH

(UI).

HARVEY WEINIG

(UI) and he says, I may be crazy, but I'm not stupid.

ROBERT HIRSCH

Yeah, I understand.

HARVEY WEINIG

Dicky Spence may be crazy. (UI).

ROBERT HIRSCH

Listen to what I said before. (UI).

HARVEY WEINIG

(UI) very calm.

ROBERT HIRSCH

Yeah. When Peter Thomes (UI).

HARVEY WEINIG

(UI).

ROBERT HIRSCH

Right. (UI) account, alright. What did we get?

HARVEY WEINIG

Six hundred.

ROBERT HIRSCH

Not in an account, we got it in cash.

HARVEY WEINIG

Alright, so we got six hundred in cash.

ROBERT HIRSCH

(UI). He did that for a reason (UI). It was fully apparent don't you, you understand (UI). Don't you get it, we didn't get money that was in an account, we got money that was taken out of the bags, I told you I was there one night. You see waht I'm telling you?

HARVEY WEINIG

Let's ...

ROBERT HIRSCH

You understand that, right?

HARVEY WEINIG

Let's do a check. Let's call the bank.

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH My, my guess.

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG We're gonna call them right now.

ROBERT HIRSCH Yeah, but where (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI) because, I have two things (UI) today.

HARVEY WEINIG Let's call the bank, let's call the bank.
April 19th was a Tuesday.

ROBERT HIRSCH Don't, check the balance, what you should
really do is check the balance as of the
following Friday, because that was ...

HARVEY WEINIG He might have been that he wired money out by
then. I think that might be too late.

ROBERT HIRSCH But (UI), there wouldn't be (UI). Don't you
see?

HARVEY WEINIG Okay, I'm going to get a balance as of April
22nd.

ROBERT HIRSCH Yeah.

HARVEY WEINIG And, the following Friday, you think?

ROBERT HIRSCH (UI). You understand what I'm ...

HARVEY WEINIG The end date was April 29th.

ROBERT HIRSCH (UI).

HARVEY WEINIG Yeah, I understand.

ROBERT HIRSCH The money we got never went into any account.

HARVEY WEINIG No.

ROBERT HIRSCH It never did.

HARVEY WEINIG No.

ROBERT HIRSCH I mean, you know that.

HARVEY WEINIG Yes, yes.

ROBERT HIRSCH So that if there was two point five million in
the account ...

HARVEY WEINIG Where's our ...

ROBERT HIRSCH And another two ...

HARVEY WEINIG Yeah, where's our money?

ROBERT HIRSCH He did that for a reason. (UI) the account,
not, not what we split.

HARVEY WEINIG Well, wait a minute. If we set, money sent by
him ...

ROBERT HIRSCH Not hundreds of thousands.

HARVEY WEINIG Yes, hundreds of thousands of our money.

ROBERT HIRSCH Are you crazy?

HARVEY WEINIG Wired, there's a wire.

ROBERT HIRSCH Harv, we never got any wire of a hundred
thousand dollars.

HARVEY WEINIG Yes.

ROBERT HIRSCH No.

HARVEY WEINIG Y o u ' r e w r o n g .

ROBERT HIRSCH I'm not, I'm not. The only wire that we tried
to get was that two seventy five which took
forever, when, you know (UI), when (UI) said
it was one forty. If you look in April, and
you look in, in, you will see that comes out
to a hundred thousand dollars. That hardly
amounts to two thirds of two and a half
million.

HARVEY WEINIG (UI) not.

ROBERT HIRSCH My point is that Peter Thomes' math may not be
so crazy, you understand what I'm saying?

HARVEY WEINIG I understand exactly what you're saying. If the difference is (UI), how much do you think he made on this whole deal?

ROBERT HIRSCH Whole deal, you mean from day one?

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI). I need to be educated, you know what I was trying to think of this, I don't know why, I was thinking about it, and I was thinking about how the last, end of September, eleven months unfolded. Here's my cut, and you may have a different recollection than I do, but it goes something like this. I don't know about any of this shit, we don't know, you don't know, we don't know from nothin'. October Alexander Schwartz comes in (UI).

ROBERT HIRSCH Sometime thereafter, it's not clear to me when, Dick Spence started serving as a helper to Alexander Schwartz going to various places. (UI).

HARVEY WEINIG He went down to Puerto Rico ...

ROBERT HIRSCH ... Went to Puerto Rico. As the investigator.

HARVEY WEINIG (UI)

ROBERT HIRSCH He did that. Okay. And at that point there was no formalized thing I mean we didn't know where Schwartz was (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Oh that was ... when he came to my house, was that ... we talked about that?

HARVEY WEINIG (UI).

ROBERT HIRSCH But we didn't really have one when he came to the house. You were talking about how stupid Schwartz was doing and all of that ...

HARVEY WEINIG Yeah but at that meeting (UI).

ROBERT HIRSCH What was it?

HARVEY WEINIG A third, a third, a third.

ROBERT HIRSCH ... of what though? We didn't even know what he was getting.

HARVEY WEINIG Of anything Dick came in ...

ROBERT HIRSCH But we didn't even know what Schwartz was giving him at that time.

HARVEY WEINIG No, no, but we knew waht (UI) as.

ROBERT HIRSCH Going to pick up.

HARVEY WEINIG As going to pick up. And he paid Schwartz (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG And (UI) sending the money out.

ROBERT HIRSCH Right.

HARVEY WEINIG So he picked up the money (UI) you know (UI).

ROBERT HIRSCH The next time.

HARVEY WEINIG The next time (UI).

ROBERT HIRSCH But he doesn't really takeover the whole business like with the banking and all of that until like January. As I recall. Because we had to ...

HARVEY WEINIG No. He was (UI) the pickups

ROBERT HIRSCH Even at even at the time of these seizures ... Schwartz is there with Bruno (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Right that's the best time.

HARVEY WEINIG (UI).

ROBERT HIRSCH But after that ...

HARVEY WEINIG (UI).

ROBERT HIRSCH I (UI) at the airport. He met Chaim at the airport.

HARVEY WEINIG (UI).

ROBERT HIRSCH

And I picked him up and Dick Spence and then we went to Chaim's place. That was in January.

HARVEY WEINIG

(UI).

ROBERT HIRSCH

(UI).

HARVEY WEINIG

(UI).

ROBERT HIRSCH

(UI) in January 1994, he has already Transglobal ... and we never know what's going on ...

(Phone rings)

ROBERT HIRSCH

(UI) (on phone) yes. You mean (UI).

HARVEY WEINIG

Yes.

ROBERT HIRSCH

Yes. Hold on. Do you have to hang up?

HARVEY WEINIG

(UI).

ROBERT HIRSCH

(UI).

(Phone rings)

HARVEY WEINIG

Yes. (Pause) (Aside) That's okay you can, you can call me at the office. (UI) you know why don't (UI). Okay. I'll send you, I'll send you (UI) tomorrow okay. Bye.

(Hangs up phone).

ROBERT HIRSCH

(UI).

HARVEY WEINIG

(UI).

ROBERT HIRSCH

In January ... right after the Houston seizures ... I'm talking to (UI) about the problem. At that point Dick had Transglobal then he starts doing everything himself. We don't really know at any given time how much money is in Transglobal or leaving Transglobal. In fact ... the reason (UI). We don't know what's going in and out of Transglobal at all okay. All we know I mean it's a big fact that we wind up knowing that a certain date in April there's 2.4 or 2.5, whatever figure you want to choose, in the account.

UNIDENTIFIED FEMALE (UI)

ROBERT HIRSCH No. 2.4 or 2.5 in the account ... right?

HARVEY WEINIG Right.

ROBERT HIRSCH And that is divied up ... a third, a third, a third, supposedly, but even as you know ... (UI). Where's all the other money?

HARVEY WEINIG How can we find out.

ROBERT HIRSCH It requires two things. It requires knowing what was in the bank (UI). We check the bank balance (UI) it should be close to 3 million dollars in the bank.

HARVEY WEINIG (UI) 16th of January.

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Of January.

HARVEY WEINIG Yeah, but I think ... that you saw Chaim? I (UI).

ROBERT HIRSCH Yeah.

HARVEY WEINIG (UI).

ROBERT HIRSCH That I remember.

HARVEY WEINIG (UI).

ROBERT HIRSCH No we, we ...

HARVEY WEINIG (UI).

ROBERT HIRSCH ... we had remember.

HARVEY WEINIG (UI).

ROBERT HIRSCH That was Schwartz's legal fees. Remember you said wait till Monday and I said no I have to go out to Borough Park. (UI).

HARVEY WEINIG At that point which is mid January.

ROBERT HIRSCH ... We don't have anybody.

HARVEY WEINIG We don't have anything.

ROBERT HIRSCH Anything. The first we get (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Let me tell you (UI). It was (UI) . When I
went to see Dick in (UI) I gave you one.

HARVEY WEINIG Right one thousand ... that was (UI) 21st.

ROBERT HIRSCH Right.

HARVEY WEINIG (UI).

ROBERT HIRSCH One thousand dollars.

HARVEY WEINIG (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG (UI).

ROBERT HIRSCH You're right ... that's the end of January ...
and no transfers.

HARVEY WEINIG (UI).

ROBERT HIRSCH By (UI).

HARVEY WEINIG That's terrible.

ROBERT HIRSCH You, you remember it's been (UI). I'm gonna
tell you something right now, what we
basically get ... is we got to split the cash
that he (UI) in those last few weeks of April
after we've decided, you know ... (UI).

HARVEY WEINIG So we've gotta balance those numbers. We got
one box of 50 ...

ROBERT HIRSCH (UI).

HARVEY WEINIG That was the Timberland box that was (UI)
you're first trip up there.

ROBERT HIRSCH First trip where?

HARVEY WEINIG (UI).

ROBERT HIRSCH But that was (UI) late ...

HARVEY WEINIG (UI) it was probably February.

ROBERT HIRSCH (UI) in February. (UI) a thousand dollars you know (UI). This is what happened ... First there was (UI), then there was ... a rapid succession of those boxes ... right? And the one bag right?

HARVEY WEINIG Correct. Look (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG I'm telling you now, there was 50 ...

ROBERT HIRSCH There was 200.

HARVEY WEINIG A box of 50, there was a box of 200 there was ostensibly a box of 300, there was a box of 130 (UI).

ROBERT HIRSCH Loose change of 40 or 50.

HARVEY WEINIG (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG 176, 170, 470, 670, 720 ...

ROBERT HIRSCH And I always (UI) tell you how there's 2 million dollars ... right? (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Right. That doesn't take into account ... What was the activity ... from December?

HARVEY WEINIG (UI).

ROBERT HIRSCH And ... and it doesn't take into account what was actually there on April 20, on April 19th. Now remember (UI) this is this means (UI) confrontation.

HARVEY WEINIG (UI).

ROBERT HIRSCH You understand because when you know (UI) what went on ... you gotta see what happens when you had you're surgery, one thousand dollars was a meaningful sum. Because I went to his office for whatever the reason was and he threw me a pack with (UI) of 2 thousand. Exactly what happened.

HARVEY WEINIG We always had trouble after (UI).

ROBERT HIRSCH Yeah always had trouble.

HARVEY WEINIG (UI).

ROBERT HIRSCH And we had to ...

HARVEY WEINIG (UI).

ROBERT HIRSCH Right.

HARVEY WEINIG (UI). This and that ...

ROBERT HIRSCH Yeah, it's the only way I got your money. It was always difficult to get it from him.

HARVEY WEINIG (UI).

ROBERT HIRSCH The only time it wasn't ... yes ... the only time it wasn't difficult is when we arranged the hit ...

HARVEY WEINIG Or (UI) ...

ROBERT HIRSCH Even then ... remember you said you said ...

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG The only thing that we got (UI) we probably got maybe 50,000 more in legal fees.

ROBERT HIRSCH Yes. (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH Yeah 275 that's true. That, however, (UI) 150 is (UI) thousand ... right? ... is not two thirds of 3 million.

HARVEY WEINIG We have 2 million dollars ...

ROBERT HIRSCH Total.

HARVEY WEINIG Total.

ROBERT HIRSCH No.

HARVEY WEINIG No? (UI).

ROBERT HIRSCH Yes (UI) right two million dollars total in all the different ways.

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG We should've gotten 4 million. We're 2 million out.

ROBERT HIRSCH Yes.

HARVEY WEINIG (UI).

ROBERT HIRSCH A million dollars is a lot of money.

HARVEY WEINIG Two million dollars.

ROBERT HIRSCH Not from him.

HARVEY WEINIG Yeah.

ROBERT HIRSCH (UI) ... our business and this business with him is now over. He's happy, we're happy ...

HARVEY WEINIG (UI).

ROBERT HIRSCH What do you mean?

HARVEY WEINIG (UI).

ROBERT HIRSCH Yeah.

HARVEY WEINIG (UI). [Knocking Sound]

ROBERT HIRSCH (UI). Oh no, maybe he (UI).

HARVEY WEINIG This is why. (UI). Look, we'll never get to Menashe's money.

ROBERT HIRSCH We're not looking to get Menashe's money. You know how much ...

HARVEY WEINIG (UI).

ROBERT HIRSCH Take a look at what the people there (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH That (UI) [Knocking Sound] You know I mean everytime you say something (UI). I I can't think that 2 million dollars without even

factoring in Menashe ... is whatever explanation he gives for Diego isn't clear (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH (UI). conversation that I had with Diego is not the only one he had. I think he basically said he did a job for him. Didn't he?

HARVEY WEINIG (UI).

ROBERT HIRSCH And here's another thing [Knocking Sound] that I would highly recommend against. I would highly recommend against him talking to total strangers over the phone about, how to handle my end. This to me is uncalled for. I don't know what he's doing it for. It seems to me ... that he's been doing some level of business with the local people (UI).

(Pause)

HARVEY WEINIG You have to understand (UI). People are going forward (UI). The reality is ... The reality is it's over with he knows. (UI) kidnapping (UI).

ROBERT HIRSCH (UI). I don't read this ... you are much more closer that I am ...

HARVEY WEINIG (UI).

ROBERT HIRSCH ... and I don't believe it's a wonderful thing that he should get pinched on a kidnapping charge.

HARVEY WEINIG He's going to get indicted (UI) to get a lawyer. To give him extra money.

ROBERT HIRSCH Yeah, yeah.

HARVEY WEINIG He'll get convicted, he'll get a, you know, suspended sentence, (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG (UI). For what?

ROBERT HIRSCH Did you ever ascertain why he's (UI)?

HARVEY WEINIG (UI).

ROBERT HIRSCH Did you tell him I'm not ... he knows I'm not home.

HARVEY WEINIG (UI) ... that um ... (UI).

ROBERT HIRSCH (UI).

ROBERT HIRSCH (UI).

HARVEY WEINIG He's going back to Florida Thursday.

ROBERT HIRSCH (UI).

HARVEY WEINIG No, he basically wants ... two hundred and seventy seven thousand (UI).

ROBERT HIRSCH If he was not (UI) what do you mean?

HARVEY WEINIG (UI).

ROBERT HIRSCH No.

HARVEY WEINIG It's possible but I don't believe that (UI).

ROBERT HIRSCH What comes out (UI) at the meeting if I'm guaging him correctly (UI).

HARVEY WEINIG (UI).

ROBERT HIRSCH He will?

HARVEY WEINIG (UI) ... My, my picture of Dick is ... he's got too much (SLAPPING SOUND) drive (UI) you know?

ROBERT HIRSCH Yeah correct.

HARVEY WEINIG (UI).

ROBERT HIRSCH What else is there left for us to explain to him?

HARVEY WEINIG Nothing (UI) 'cause I feel you're right (UI). I (UI) we have to make a (UI) on what to do with that.

ROBERT HIRSCH For reasons ... that ... (UI) I don't want anyone coming for us. (UI). The fact that he gave us all the information (UI) you understand? And I and I don't want anyone to ask me five months down the road what (UI) you know what I mean? I would like (UI).

HARVEY WEINIG (UI). I'm not gonna get (UI) anybody who I don't trust.

ROBERT HIRSCH Then why don't you ...

HARVEY WEINIG And anybody who I did get we're in ... we're gonna have to control. Robert ...

ROBERT HIRSCH Yeah, but if you choose one of his people ...

HARVEY WEINIG Here's my thing ... I'm gonna take a look (UI) and I have ways of finding out also.

ROBERT HIRSCH You should find out ...

HARVEY WEINIG (UI) And ... (UI) but I'm not going out (UI) if there's money to be made. But I think if we can get (UI) and I (UI) you knew I (UI).

ROBERT HIRSCH Yes, yeah (UI).

HARVEY WEINIG How about (UI)?

ROBERT HIRSCH I like him alot, he's very effective. I don't like this story that he needs to hear.

HARVEY WEINIG (UI)

ROBERT HIRSCH Especially if that owner is going to be arrested for kidnapping ... I tell you, I ... you know what I'm saying ...

HARVEY WEINIG It's a bad fact.

ROBERT HIRSCH We don't need that.

HARVEY WEINIG It's a bad fact, I mean ... I don't know. You know he's kidnapping someone who owes him money here ...

ROBERT HIRSCH That was you know ... that was just my initial thought.

HARVEY WEINIG (UI)

ROBERT HIRSCH (UI)

HARVEY WEINIG It's not drug money, it's money. He's lost some good money.

ROBERT HIRSCH Yeah.

(End of Conversation)

Approved:

L. Dassin
L. DASSIN and MARK P. GOODMAN
Assistant United States Attorneys

Before:

HONORABLE SHARON E. GRUBIN
United States Magistrate Judge
Southern District of New York

94 MAG. 2008

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-FILED UNDER SEAL

UNITED STATES OF AMERICA

: COMPLAINT

-v-

: Violations of
18 U.S.C. §§ 1956,
1001, 1343 and 1503

RICHARD SPENCE,

a/k/a "Dick,"

a/k/a "Charlie,"

HARVEY WEINIG,

a/k/a "The Wing,"

CHAIM HERMAN,

TOHMES PETER,

a/k/a "Peter Thomas,"

a/k/a "Moti,"

a/k/a "Renee,"

JUAN GUILLERMO OCAMPO,

a/k/a "Paul,"

LEON SHULUM WEINMANN,

RACHEL WEINMANN,

MIGUEL OMAR GARRABITO BOTERO,

a/k/a "Mr. Fred,"

AMPARO HURTADO VALENCIA,

a/k/a "Helen,"

JULIANA LNU,

a/k/a "Bonnie,"

CARLOS LOPEZ,

MICHAEL T. KALANZ,

a/k/a "Mike the Cop,"

GARY SALERNO,

CHARLES BRUNO,

ALEXANDER SCHWARTZ,

a/k/a "Mr. R. Rosenbaum,"

a/k/a "Rosenberg,"

DANIEL CARROLL

JOSE E. TANON,

DONALD J. HAYDEN,

LATCHEZAR CHRISTOV,

a/k/a "Lucky,"

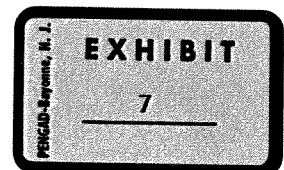
ROBERT JANZ,

MENASHE LEIFER,

: COUNTIES OF OFFENSE:
NEW YORK COUNTY,
BRONX COUNTY and
Elsewhere

(caption continued on next page)

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SYLVIA EZELL, and
PATRICIA DILLUVIO,
a/k/a "Patty,"

Defendants.

SOUTHERN DISTRICT OF NEW YORK, ss.:

JEFFREY DRUBNER, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

Count One

Conspiracy To Launder Narcotics Proceeds

1. From in or about 1991 up to and including the date of this Complaint, in the Southern District of New York and elsewhere, RICHARD SPENCE, a/k/a "Dick," a/k/a "Charlie," HARVEY WEINIG, a/k/a "The Wing," CHAIM HERMAN, TOHMES PETER, a/k/a "Peter Thomas," a/k/a "Moti," a/k/a "Renee," JUAN GUILLERMO OCAMPO, a/k/a "Paul," LEON SHULUM WEINMANN, RACHEL WEINMANN, MIGUEL OMAR GARRABITO BOTERO, a/k/a "Mr. Fred," AMPARO HURTADO VALENCIA, a/k/a "Helen," JULIANA LNU, a/k/a "Bonnie," CARLOS LOPEZ, MICHAEL T. KALANZ, a/k/a "Mike the Cop," GARY SALERNO, CHARLES BRUNO, ALEXANDER SCHWARTZ, a/k/a "Mr. R. Rosenbaum," a/k/a "Rosenberg," DANIEL CARROLL, JOSE E. TANON, DONALD J. HAYDEN, LATCHEZAR CHRISTOV, a/k/a "Lucky," ROBERT JANZ, MENASHE LEIFER, SYLVIA EZELL, and PATRICIA DILLUVIO, a/k/a "Patty," the defendants, and others known and unknown, unlawfully, wilfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 1956(a)(1)(B)(i), 1956(a)(2)(B)(i) and 1957 of Title 18, United States Code.

2. It was an object of the conspiracy that RICHARD SPENCE, a/k/a "Dick," a/k/a "Charlie," HARVEY WEINIG, a/k/a "The Wing," CHAIM HERMAN, TOHMES PETER, a/k/a "Peter Thomas," a/k/a "Moti," a/k/a "Renee," JUAN GUILLERMO OCAMPO, a/k/a "Paul," LEON SHULUM WEINMANN, RACHEL WEINMANN, MIGUEL OMAR GARRABITO BOTERO, a/k/a "Mr. Fred," AMPARO HURTADO VALENCIA, a/k/a "Helen," JULIANA LNU, a/k/a "Bonnie," CARLOS LOPEZ, MICHAEL T. KALANZ, a/k/a "Mike the Cop," GARY SALERNO, CHARLES BRUNO, ALEXANDER SCHWARTZ, a/k/a "Mr. R. Rosenbaum," a/k/a "Rosenberg," DANIEL CARROLL, JOSE E. TANON, DONALD J. HAYDEN, LATCHEZAR CHRISTOV, a/k/a "Lucky," ROBERT JANZ, MENASHE LEIFER, SYLVIA EZELL, and PATRICIA DILLUVIO, a/k/a "Patty," the defendants, and others known and unknown, knowing that the property involved in certain financial transactions represented the proceeds of some form of unlawful activity, unlawfully, wilfully and knowingly would and did conduct and attempt to conduct such financial transactions which

in fact involved the proceeds of specified unlawful activity, to wit, narcotics trafficking, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, in violation of Section 1956(a)(1)(B)(i) of Title 18, United States Code.

3. It was a further object of the conspiracy that RICHARD SPENCE, a/k/a "Dick," a/k/a "Charlie," HARVEY WEINIG, a/k/a "The Wing," CHAIM HERMAN, TOHMES PETER, a/k/a "Peter Thomas," a/k/a "Moti," a/k/a "Renee," JUAN GUILLERMO OCAMPO, a/k/a "Paul," LEON SHULUM WEINMANN, RACHEL WEINMANN, MIGUEL OMAR GARRABITO BOTERO, a/k/a "Mr. Fred," AMPARO HURTADO VALENCIA, a/k/a "Helen," JULIANA LNU, a/k/a "Bonnie," CARLOS LOPEZ, MICHAEL T. KALANZ, a/k/a "Mike the Cop," GARY SALERNO, CHARLES BRUNC, ALEXANDER SCHWARTZ, a/k/a "Mr. R. Rosenbaum," a/k/a "Rosenberg," DANIEL CARROLL, JOSE E. TANON, DONALD J. HAYDEN, LATCHEZAR CHRISTOV, a/k/a "Lucky," ROBERT JANZ, MENASHE LEIFER, SYLVIA EZELL, and PATRICIA DILLUVIO, a/k/a "Patty," the defendants, and others known and unknown, unlawfully, wilfully and knowingly would and did transport, transmit and transfer funds from a place in the United States to and through a place outside the United States, knowing that the funds involved in the transportation, transmission and transfer represented the proceeds of some form of unlawful activity, and knowing that such transportation, transmission and transfer was designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of specified unlawful activity, in violation of Section 1956(a)(2)(B)(i) of Title 18, United States Code.

4. It was a further object of the conspiracy that RICHARD SPENCE, a/k/a "Dick," a/k/a "Charlie," HARVEY WEINIG, a/k/a "The Wing," CHAIM HERMAN, TOHMES PETER, a/k/a "Peter Thomas," a/k/a "Moti," a/k/a "Renee," JUAN GUILLERMO OCAMPO, a/k/a "Paul," LEON SHULUM WEINMANN, RACHEL WEINMANN, MIGUEL OMAR GARRABITO BOTERO, a/k/a "Mr. Fred," AMPARO HURTADO VALENCIA, a/k/a "Helen," JULIANA LNU, a/k/a "Bonnie," CARLOS LOPEZ, MICHAEL T. KALANZ, a/k/a "Mike the Cop," GARY SALERNO, CHARLES BRUNC, ALEXANDER SCHWARTZ, a/k/a "Mr. R. Rosenbaum," a/k/a "Rosenberg," DANIEL CARROLL, JOSE E. TANON, DONALD J. HAYDEN, LATCHEZAR CHRISTOV, a/k/a "Lucky," ROBERT JANZ, MENASHE LEIFER, SYLVIA EZELL, and PATRICIA DILLUVIO, a/k/a "Patty," the defendants, and others known and unknown, unlawfully, wilfully and knowingly would and did engage and attempt to engage in monetary transactions in criminally derived property that was of a value greater than \$10,000 and was derived from specified unlawful activity, to wit, narcotics trafficking, in violation of Section 1957 of Title 18, United States Code.

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Overt Acts

5. In furtherance of said conspiracy and to effect the objects thereof, the defendants and others known and unknown, committed the following overt acts in the Southern District of New York and elsewhere:

a. On or about October 6, 1993, ALEXANDER SCHWARTZ picked up bundles of United States currency totalling approximately \$267,830 in Puerto Rico, which was subsequently seized by the Drug Enforcement Administration ("DEA").

b. On or about January 5, 1994, CHARLES BRUNC picked up bundles of United States currency totalling approximately \$1,054,210 in Houston, Texas, which was subsequently seized by the DEA.

c. On or about January 6, 1994, ALEXANDER SCHWARTZ possessed bundles of United States currency totalling approximately \$802,893 that he had picked up in Houston, Texas, which currency was subsequently seized by the DEA.

d. On or about January 14, 1994, GARY SALERNO picked up bundles of United States currency totalling approximately \$676,392 in Houston, Texas, which was subsequently seized by the DEA.

e. From on or about January 31, 1994, through on or about February 2, 1994, LEON SHULUM WEINMANN, RACHEL WEINMANN, CHAIM HERMAN, TOHMES PETER and Robert Hirsch met in Zurich, Switzerland.

f. On or about March 24, 1994, RICHARD SPENCE, HARVEY WEINIG and Robert Hirsch caused a claim of ownership to be filed with the DEA concerning \$676,392 that had been seized from GARY SALERNO in Houston, Texas.

g. On or about April 12, 1994, JOSE E. TANON met with Wayne Rodriguez in the vicinity of 121st Street and Madison Avenue, New York, New York.

h. On or about April 19, 1994, RICHARD SPENCE, HARVEY WEINIG and Robert Hirsch stole in excess of \$2.5 million in narcotics proceeds that they had collected in connection with the Organization's money laundering activities.

i. On or about April 19, 1994, RICHARD SPENCE, HARVEY WEINIG and Robert Hirsch fabricated a document which purported to be an indictment in which SPENCE was charged with violating federal law.

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j. On or about April 19, 1994, RICHARD SPENCE, HARVEY WEINIG and Robert Hirsch fabricated a document which purported to describe the seizure by law enforcement officials of the monies they had stolen.

k. On or about May 17, 1994, DANIEL CARROLL and RICHARD SPENCE engaged in a telephone conversation during which they discussed, among other things, CARROLL's possession of bundles of United States currency in his home and the use a motor home to deliver money as a means of avoiding a search by law enforcement.

l. On or about May 25, 1994, RICHARD SPENCE engaged in a telephone conversation with Robert Hirsch during which they discussed, among other things, whether funds could be transferred from one bank account to another without the source of the funds being traced.

m. On or about May 25, 1994, RICHARD SPENCE and PATRICIA DILLUVIO engaged in a telephone conversation during which they discussed transferring money between accounts without it being traced and SPENCE giving DILLUVIO a gift rather than sending her somewhere.

n. On or about June 2, 1994, RICHARD SPENCE and LATCHEZAR CHRISTOV engaged in a telephone conversation during which CHRISTOV said, among other things, that he and DONALD J. HAYDEN had looked at the money, which was comprised of "fives, tens, twenties and even ones."

o. On or about June 3, 1994, RICHARD SPENCE and MENASHE LEIFER engaged in a telephone conversation during which, among other things, RICHARD SPENCE gave MENASHE LEIFER his personal bank account number and told LEIFER that CHAIM HERMAN was unhappy because he was being pushed out.

p. On or about June 3, 1994, MICHAEL T. KALANZ engaged in a telephone conversation with RICHARD SPENCE during which they discussed, among other things, whether KALANZ could store bags in his New York City Police Department ("NYCPD") locker.

q. On or about June 3, 1994, MICHAEL T. KALANZ, carried a large black bag into the NYCPD's 48th Precinct building in the Bronx.

r. On or about June 6, 1994, MICHAEL T. KALANZ carried a large paisley bag into the NYCPD's 48th Precinct building in the Bronx.

s. On or about June 7, 1994, MICHAEL T. KALANZ carried a large black bag and a large paisley bag from the

NYCPD's 48th Precinct building in the Bronx to a Citibank branch located on Morris Park Avenue in the Bronx (the "Morris Park Citibank").

t. On or about June 20, 1994, RICHARD SPENCE and Jane Doe No. 1 engaged in a telephone conversation during which they discussed, among other things, that GARY SALERNO had brought a box to SPENCE's business located at 431 East 165th Street, Bronx, New York ("431 East 165th Street") and that ROBERT JANZ had another \$100,000.

u. On or about June 20, 1994, SYLVIA EZELL and ROBERT JANZ brought a package from 431 East 165th Street to the Morris Park Citibank.

v. On or about June 22, 1994, Robert Hirsch engaged in a telephone conversation concerning the pick-up of approximately \$850,000 in United States currency in Miami, Florida.

w. On or about June 23, 1994, RICHARD SPENCE met with a confidential informant in the parking lot of a Burger King Restaurant in Florida where SPENCE exchanged his Mercedes Benz for a rental car that the confidential informant said contained \$425,000 in its trunk.

x. On or about June 23, 1994, RICHARD SPENCE told DEA agents that he obtained \$425,000 from a Hasidic Jewish businessman at a nearby Condominium Complex, and that he handled a lot of cash in his business.

y. On or about July 8, 1994, JOSE E. TANON sent packages via Federal Express from Montreal, Canada to 431 East 165th Street.

z. On or about July 13, 1994, DANIEL CARROLL travelled to Puerto Rico.

aa. On or about July 14, 1994, RICHARD SPENCE and Robert Hirsch engaged in a conversation during which they discussed, among other things, that DANIEL CARROLL had picked up \$1 million.

ab. On or about July 15, 1994, HARVEY WEINIG engaged in a telephone conversation with Robert Hirsch during which they discussed, among other things, an earlier telephone conversation with a bank concerning federal wire transfer numbers, and the fact that TOHMES PETER needed \$1 million.

ac. In or about July 1994, RICHARD SPENCE assisted by Robert Hirsch, provided false and fabricated information by telephone and facsimile machine to Allstate Insurance Company offices located in Fort Myers, Florida.

ad. On or about July 18, 1994, DONALD J. HAYDEN and RICHARD SPENCE engaged in a telephone conversation during which they discussed, among other things, how SPENCE was stopped by the Police in Miami with "merchandise" in the car.

ae. On or about July 29, 1994, MICHAEL T. KALANZ and RICHARD SPENCE engaged in a telephone conversation during which KALANZ told SPENCE, among other things, that he was being watched by "the Feds."

af. On or about August 15, 1994, RICHARD SPENCE and Robert Hirsch engaged in a telephone conversation during which they discussed the fact that GARY SALERNO would conduct a pick up of United States currency later that day.

ag. On or about August 15, 1994, GARY SALERNO picked up a bag and put it in his car in the vicinity of One West 28th Street, New York, New York.

ah. On or about September 3, 1994, RICHARD SPENCE and Robert Hirsch engaged in a telephone conversation during which they discussed, among other things, the fact that GARY SALERNO was ready to pick-up United States currency later that day.

ai. On or about September 3, 1994, GARY SALERNO picked up a bag and put it in the trunk of his car in the vicinity of 53rd Street and Eighth Avenue in Manhattan.

aj. On or about September 7, 1994, JUAN GUILLERMO OCAMPO and Robert Hirsch engaged in a telephone conversation during which they discussed, among other things, that money had been wired to one of the WEINMANNs.

ak. On or about September 14, 1994, AMPARO HURTADO VALENCIA and Robert Hirsch engaged in a telephone conversation during which VALENCIA said, among other things, that she was powerful in Colombia and threatened to send people to harm Hirsch.

al. On or about September 14, 1994, MIGUEL OMAR GARRABITO BOTERO, JUAN GUILLERMO OCAMPO and Robert Hirsch engaged in a telephone conversation during which they discussed, among other things, sending money to BOTERO.

am. On or about September 20, 1994, HARVEY WEINIG gave Robert Hirsch a cardboard box containing bundles of cash totalling approximately \$200,000.

an. On or about September 29, 1994, CHAIM HERMAN and Robert Hirsch engaged in a telephone conversation during which HERMAN said, among other things, that he had done eleven "containers" before he began to work with RICHARD SPENCE and Hirsch.

ao. On or about September 29, 1994, JULIANA LNU and Robert Hirsch engaged in a telephone conversation during which JULIANA LNU said, among other things, that MIGUEL OMAR GARRABITO BOTERO was the principal in Colombia and that BOTERO was the only person who could kill Hirsch.

(Title 18, United States Code, Section 1956(h).)

Counts Two Through Fourteen

Laundering Narcotics Proceeds

6. From on or about January 5, 1994 through on or about September 3, 1994, in the Southern District of New York and elsewhere, defendant RICHARD SPENCE, a/k/a "Dick," a/k/a "Charlie," and others, knowing that property involved in certain financial transactions represented the proceeds of some form of unlawful activity, to wit, narcotics trafficking, unlawfully, willfully, and knowingly, did conduct and attempt to conduct such financial transactions, to wit, receipt of cash on the dates and in the approximate amounts set forth below, which cash was in fact the proceeds of illegal narcotics trafficking, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of such specified unlawful activity:

<u>COUNT</u>	<u>APPROXIMATE DATE CASH RECEIVED</u>	<u>APPROXIMATE AMOUNT OF CASH</u>
2	January 4, 1994	\$ 1,054,210
3	January 6, 1994	\$ 802,893
4	January 14, 1994	\$ 676,392
5	April 12, 1994	\$ 100,000
6	May 17, 1994	\$ 800,000
7	June 2, 1994	\$ 250,000

8	June 6, 1994	\$ 700,000
9	June 8, 1994	\$ 1,100,000
10	June 20, 1994	\$ 294,000
11	July 1, 1994	\$ 800,000
12	July 13, 1994	\$ 1,000,000
13	August 15, 1994	\$ 1,000,000
14	September 3, 1994	\$ 765,000

(Title 18, United States Code, Sections 1956(a)(1)(B)(i), and 2).

Count Fifteen

False Statement

7. On or about March 24, 1994, in the Southern District of New York and elsewhere, RICHARD SPENCE and HARVEY WEINIG, the defendants, in a matter within the jurisdiction of the DEA, a department and agency of the United States, unlawfully, willfully and knowingly did falsify, conceal and cover up by trick, scheme, and device a material fact and did make a false, fictitious and fraudulent statement and representation, to wit, RICHARD SPENCE, HARVEY WEINIG and Robert Hirsch caused a claim of ownership to be filed with the DEA concerning the seizure of \$676,392 in narcotics proceeds from Gary Salerno by the DEA in Houston, Texas, in which they claimed, among other false statements, that the money was owned by Spence and that it represented "a portion of the proceeds due to [Spence] for a sale of precious stones and metals acquired and sold overseas."

(Title 18, United States Code, Sections 1001 and 2.)

Count Sixteen

Wire Fraud

8. From in or about July through in or about August 1994, in the Southern District of New York, RICHARD SPENCE, the defendant, unlawfully, willfully and knowingly did devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and did transmit and cause to be transmitted by means of a wire in interstate commerce, writings, signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, to wit, RICHARD

SPENCE, the defendant, used a facsimile machine in interstate commerce to knowingly submit a false and fabricated insurance claim concerning a Mercedes Benz automobile to an Office of the Allstate Insurance Company located in Fort Myers, Florida.

(Title 18, United States Code, Sections 1343 and 2.)

Count Seventeen


Obstruction of Justice

9. On or about July 29, 1994, in the Southern District of New York, MICHAEL T. KALANZ, the defendant, endeavored to corruptly influence, obstruct, and impede, and did influence, obstruct, and impede, the due administration of justice, to wit, MICHAEL T. KALANZ, the defendant, a Police Officer employed by the New York City Police Department, informed RICHARD SPENCE that he and SPENCE were the subjects of an ongoing federal investigation.

(Title 18, United States Code, Sections 1503 and 2.)

10. The bases for my knowledge and the foregoing charges are, in part, set forth in my Affidavit of dated November 29, 1994, which is attached hereto and is fully incorporated by reference herein.

WHEREFORE, deponent prays that warrants issue for the arrest of the above-named defendants so that they may be arrested and detained or bailed as the case may be.



JEFFREY DRUENER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
29th day of November, 1994.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK